

Application No. 10/593, 172
Amdt. dated June 20, 2009
Reply to Office Action of April 01, 2009

Amendments to the Drawings

The attached Sheets of drawings include changes to FIGs. 2, 4, and 5 adding directional lines between the separate elements. FIG. 5 has been amended corrected to label palate member as "44" and tongue member as "54".

Attachment: Replacement Sheets

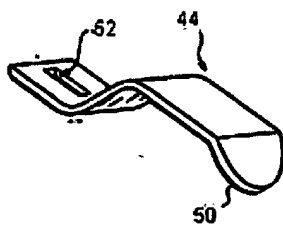
REMARKS/ARGUMENTS

In Re: Claims 6 and 12

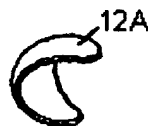
The claim should be allowed, as amended, as obvious differences in form and function exist between the cited prior art and the applicant's device. In *Pivovarov*, the component labeled 12A as part of a tongue receptor by inventor, and "palate member" by examiner consists *only of the upperwardly curved portion of of structure 12*. In applicant's device, the component labeled as "palate member" extends from *outside of the teeth* of the wearer all the way through the oral cavity of the wearer and to the soft palate as one single continuous component containing three separate angles, a slot and a declined end. The slotted end facilitates *mechanical adjustability* wherein the distance to which the palate member extends into the oral cavity can be lengthened or shortened, and then secured in place using a set screw. Regarding Claim 12, both components are described separately as different and detached components, and are *independently operable* and adjustable. That is, the palate member can be lengthened and held at a particular length, while tongue member can be shortened and held at a different length with no fixed relationship between the positions of the two components. The form of the Pivovarov device cannot facilitate this function without completely rebuilding and restructuring the entire device.

In *Pivovarov*, the "palate member" 12A is, much shorter in length and is completely contained within the oral cavity, has only an upward curve, and no declined portion at the posterior end. The separate structure of the "sine wave connector" is not designed to facilitate lengthening or shortening to attain a *certain* position of maximum comfort and effectiveness, and then have that position maintained until changed to another specific length by the wearer. In applicant's device, the "palate member" has to be at least 5" long to reach from outside of the teeth and lips to the soft palate. As these many and significant differences exist between the two devices, the mandatory inclusion of a "cushion member" in the Cutler device should not be necessary.

(See comparative illustration)



Cutler palate member



Pivovarov "palate member"
(so labeled by examiner)